



**CEPPS/IRI GULF REGIONAL Quarterly Report:
January 1, 2005 – March 31, 2005
Strengthening the Gulf Regional Democratization Process**

USAID Cooperative Agreement Number DGC-A-00-10-00004-00

Project Dates: October 1, 2002 to March 31, 2005

Total Budget: \$750,000 Expenses to Date: \$649,029

Project # 7089

I. SUMMARY

IRI conducted a breakthrough capacity-building training session on reading and analyzing bills for members of the Majles A'Shura as well as a drafting session for the Majles' Legal Committee staff during the quarter. Plans are in the works to seize upon the momentum built during the members training by designing a long term training plan for member and staff support.

II. BACKGROUND

One decade after the Gulf War and two decades after the fall of the Pahlavi dynasty in Iran, it is perhaps not surprising that political reform has finally come to member states of the Gulf Cooperation Council. Having survived a critical period when it seemed to many outside observers that change might be forced upon the monarchies of eastern Arabia by external events, the royal families of the Gulf have emerged more confident than at any time during the last half-century. Where once regime survival dictated internal developments leading, for instance, to abandoned political experiments in Bahrain and Kuwait, ten years of relative stability accompanied by the diminishing or containment of threats emanating from Iran and Iraq have enabled the region's ruling families to devote more attention to matters of domestic concern. In Qatar and Bahrain – where attention to reform was slow in coming – civil unrest in the case of one and generational change in both eventually prompted democratic reforms. In two exceptions to the reform trend, the UAE and the Kingdom of Saudi Arabia, economic prosperity in the former has allowed the royals to ignore political reform. In the latter, the issue has been somewhat more problematic with demographic pressures and economic uncertainties suggesting that all may not be well in the House of Saud. The question, however, is not if but when these two states will recognize the wisdom of implementing meaningful reforms that may actually prove conducive to the survival of monarchic rule, albeit a rule with more democratic elements.

A surprising aspect of the gradual introduction of representative institutions and democratic reforms in the Gulf is not that they are occurring but that they are occurring in a number of states almost simultaneously. While Kuwait may claim a proud history of constitutionalism going back to the time of independence from Great Britain in 1961, and Bahrain can point to its own short-lived attempt at electoral reforms in the 1970s as proof of its democratic credentials, the most significant political developments since the end of British colonial rule in the region are, in fact, taking place now. Given the shared history and geographic and familial proximity of the states and their populations, this is no coincidence.

Recognizing that not only are current developments in the Gulf closely related but also that the collective futures of all states therein are inextricably linked, IRI initiated a parliamentary strengthening program in the Sultanate of Oman in 1999, a first step towards programming of a Gulf-wide, regional nature. Since that time, IRI's original program with the appointed Majles A'Dawlah, the upper house of the Council of Oman, has expanded to include the lower house, the elected Majles A'Shura.

Activities with the Council of Oman have included workshops and training in legislative research and policy analysis on the ground in the Sultanate and in offsite locations in Lebanon, Egypt, Canada and the United States. Through programs organized by IRI, Council staff has also participated in conferences and events in the UK, Qatar and Thailand.

III. QUARTERLY ACTIVITIES

Technical Assistance

Members

Deviating temporarily from the revised training calendar developed in cooperation between IRI and Majles staff directors, at the request of the Majles A'Shura leadership, IRI conducted a three day legislative analysis training for Majles Committee Chairs and Vice-Chairs in February 2005. Conducted by international legislative drafting expert Dr. Mahmoud Ali Sabra, the course, Reading and Understanding Legislation, covered topics such as how to structure a bill, how to evaluate a bill in substance, and legislation as a tool for social change. (See Attachment A)

Dr. Sabra provided examples from his own work on the Palestinian elections bill, Siedman's Manual on Legislative Drafting, and one of his own legal research and writing manuals. Additionally, he discussed employment acts passed by the US and British governments as well as the Egyptian People's Assembly to demonstrate differences and similarities in legislative drafting techniques between common law and civil law countries. To provide greater contextual meaning, Dr. Sabra highlighted examples from Oman's legislative record focusing on recently enacted laws such as the medical practice and consumer protection bills. Members found this exercise an eye opening experience in as much as they confessed to Dr. Sabra the need to be better informed of legislative content before voting on bills.

In total, 11 members including chairpersons of major committees as well as one Vice President of the Majles A'Shura were present. (See Attachment B) Members were continually engaged throughout the course and asked numerous questions of the trainer relating to amending and voting on legislation.

During an informal feedback session with participants conducted by IRI staff at the end of the training session, the following points were duly noted:

- The course content was relevant, especially the use of examples from the Omani context
- Longer and more in-depth courses are desired in the future, building on the current training
- There is a willingness to include all members of the Majles A'Shura in future trainings
- There is a desire for training on other topics (e.g. The budget process)

Staff

Regarding the implementation of the three-part series of legislative drafting workshops for Majles A'Shura committee staff, it was agreed between IRI and Majles leadership that IRI would work with committee staff one committee at a time. Accordingly, Dr. Sabra delivered a training session to Legal Committee staff dealing specifically with issues that were raised by those staff persons during consultations with IRI in December 2004. The 2-day course focused on ensuring clarity and accuracy in bill drafting. (See Attachment C) The two committee staff persons assigned to the Legal Committee had also attended two of IRI's previous legislative drafting courses.

IV. RESULTS

Result 1 Increased knowledge and capacity of Gulf legislative staff and council members, enhancing their capacity to influence public policy.

Indicators

- A. IRI will work with governing bodies in the Gulf to help them develop plans for staff and/or member professional development;

No activities to report in this quarter

- B. IRI will coordinate intra-regional exchanges and cooperative training programs in the GCC for the purpose of professional exchange and resource sharing;

No activities to report in this quarter

- C. Staff and members of GCC councils will participate in training and professional development activities both in country and abroad;

IRI delivered legislative drafting training to 11 members of the Majles A'Shura and a separate training to Legal Committee staff persons.

- D. Development of regional information resources and the means to exchange and share experiences will lead to increased communication between GCC councils and their respective staffs;

No activities to report in this quarter

- E. Legislative practices and procedures from more advanced models will be adapted and integrated into the GCC through training and exchange;

Legislative drafting techniques from the US and UK were incorporated into the training workshops in February for Legal Committee staff of the Majles A'Shura.

- F. Representative institution building and professionalism in the GCC will become an example for the Arab world.

Results Pending

Result 2 Local organizations will be supported to improve the understanding of democratic foundations and institutions among a targeted regional audience.

Indicators

- A. Civil society organizations and NGOs will improve organizational capacity and constituencies at the national and local levels through training in the basic skills and principles of nonprofit administration.

No activities to report in this quarter

- B. An informal network of civil society organizations and NGOs dedicated to increasing knowledge of various forms of civic participation will be formed.

No activities to report in this quarter

- C. Civil society will develop an understanding of methods and relevance of democratically run organizations.

No activities to report in this quarter

V. FUTURE ACTIVITIES

The members training course is the first the MPs have ever received during their tenure at the Majles. The fact that IRI was able to successfully engage them represents an important

milestone in IRI's relationship with the Oman Council and demonstrates a significant level of trust on the part of the Majles leadership. With more than fifty new members among the eighty-three member body, engagement of members is critical to supporting the Majles in fulfilling its institutional mandate.

With the program expiring at the end of the first quarter of 2005, IRI has submitted a request for an eight-month no-cost extension. Remaining funds would be used to provide continued support to members and staff in representative institutions through concurrent engagement on issues related to member support functions, parliamentary research, and policy formulation. Additionally, IRI plans to engage members through the sharing of best practices by elected counterparts from the United States and from elsewhere in the region to begin to develop appreciation for constituent responsibilities.



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Republican Institute**

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**READING AND UNDERSTANDING LEGISLATION
(FOR MEMBERS OF THE OMAN MAJLES A'SHURA)
February 5th-7th, 2005**

Day 1: How to Evaluate A Bill In Form

A. Structuring a Bill – Theory and Practice

- I. Structuring a bill: Theory
 - 1. The architecture of a bill
 - 2. How to link theory to practice
- II. Structuring a bill: Practice
 - 1. Parts of a bill
 - 2. Grouping and ordering
 - 3. Location of technical sections
- III. A default bill

B. Standards, Methods and Principles of Structuring

- 1. Three standards
- 2. Three methods
- 3. Three principles

Day 2: How To Evaluate A Bill In Substance

- I. Purpose of legislation
 - 1. Why we legislate
 - 2. Subsystems of a bill
 - 3. How a bill fits into the other statutes
 - 4. Five steps to understanding the substance of a bill
- II. Methodology for problem-solving
 - 1. Identification
 - 2. Interpretation
 - 3. Proposing a solution
 - 4. Control and evaluation mechanisms

III. ROCCIP principles: A guide to discovering behavior, causes and solutions

1. Rule
2. Opportunity
3. Capacity
4. Communication
5. Interest
6. Process
7. Ideology

IV. Reaching an optimum solution

1. ROCCIP principles and interpretations
2. A detailed solution
3. Scrutinizing alternative options
4. Reversing the ROCCIP
5. Weighing the costs vs. the benefits

V. Identifying the content of a bill's section

1. Purpose of the legislative sentence
2. Who does what?
3. "What?"
 - a. Write in the form of behaviors
 - b. An obligation to do
 - c. Granting discretion
 - d. Prohibition
4. Qualifying the verb

Day 3: Law as a Tool For Social Change

A. The Legal System as a Cause of Poor Governance and Weak Development

I. Law and social change

1. Development, institutions, and behaviors
2. Development requires change of institutions
3. Change of institutions requires change of behavior

II. Law and development

1. The function of the legal order in development
2. Law as an applied expression of policy
3. Law as a crucial step in changing state-induced behavior

III. Why do people behave as they do in the face of a legal rule?

B. Ensuring Effective Implementation and Non-Arbitrary Decisions

1. Introduction
2. Implementation functions
3. The problem: Ineffective and arbitrary

4. Implementing the rules addressed to the implementers
5. Summary



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(FOR MEMBERS OF THE OMAN MAJLES A'SHURA)
February 5th-7th, 2005**

List of Participants

1. Ishaq Al-Siyabi	2 nd Vice President
2. Rahila Al-Riyami	Chair – Education and Culture Committee
3. Ali Al-Shibly	Chair – Health and Social Services Committee
4. Younus Al-Balushi	Chair – Economic Committee
5. Saeed Al-Shahry	Chair – Legal Committee
6. Yousef Al-Balushi	Vice Chair – Legal Committee
7. Mohammad Al-Kalbani	Vice Chair – Health and Social Services Committee
8. Ali Al-Manzery	Member
9. Nasr Al-Hausny	Member
10. Ali Al-Bady	Member
11. Sa'ad Al-Sady	Member
12. Amor Al-Shabiby	Member
13. Rashid Al-Ghafri	Director of the Secretary General's Office

تحت رعاية مجلس الشورى في سلطنة عمان
بالتنسيق مع
المعهد الجمهوري الدولي IRI

دورة تدريبية
لأمناء اللجنة القانونية
بمجلس الشورى في سلطنة عمان
حول
ضمان الوضوح والدقة
في الصياغة التشريعية

إعداد/ محمود محمد علي صبره
استشاري المعهد الجمهوري الدولي IRI
8-9 فبراير 2005

اليوم الأول: ضمان الوضوح والدقة في الصياغة التشريعية

أولاً- ست عشرة قاعدة لضمان الوضوح والدقة

1. تجنب استخدام الكلمات الغامضة.
2. تجنب استخدام الكلمات المثيرة للالتباس.
3. عالج كل نطاق المعنى.
4. استخدم نفس الكلمة بنفس المفهوم؛ واستخدم كلمة مختلفة للتعبير عن مفهوم مختلف.
5. لا تستخدم الكلمات غير الضرورية.
6. استخدم الكلمات الواردة في القوانين ذات الصلة.
7. تجنب العبارات الوصفية والظرفية المثيرة للالتباس.
8. استخدم "أو" العطف وحرف "أو" بعناية.
9. تجنب "حشو" الجملة التشريعية (استخدم جملاً قصيرة).
10. للتوضيح، استخدم التبنيذ tabulation.
11. استخدم صيغة الإثبات ولا تستخدم صيغة النفي.
12. تجنب استخدام صيغة "يكون" في كل أشكالها.
13. استخدم مفردات كلمات تلائم مستخدم القانون.
14. ضع المفهوم الأكثر أهمية في نهاية الجملة؛ وحدد موقع العبارات التابعة والوصفية.
15. تجنب الإدماج بطريق الإحالة.
16. أدخل الإحالات الداخلية بطريقة صحيحة.

ثانياً- الصياغة في حدود قواعد التفسير القضائي للتشريعات

- 1) مبادئ التفسير التشريعي
- 2) بعض الحكم عن التفسير التشريعي

ثالثاً- لعبتان للتأكد من كفاية مشروع القانون

- 1) لعبة "تقمص الأدوار"
- 2) لعبة "ماذا لو"

اليوم الثاني: تمرينات

- 1) تصميم البنية العامة لمشروع القانون.
- 2) كتابة الجملة التشريعية.
- 3) أساليب ضمان الوضوح والدقة
- 4) الصياغة في حدود قواعد التفسير التشريعي
- 5) لعبتان للتأكد من كفاية مشروع القانون

**A TRAINING COURSE FOR
THE STAFF OF THE LEGAL COMMITTEE
OF SHURA COUNCIL
SULTANATE OF OMAN
8-9 FEBRUARY**

COURSE OUTLINE

DAY ONE- ENSURING CLARITY AND ACCURACY

I. Sixteen rules for increasing clarity and accuracy

- 1) Avoid vague words.
- 2) Avoid ambiguous words
- 3) Cover the entire domain
- 4) Use the same word for the same concept
- 5) Avoid using unnecessary words.
- 6) Use the same words used in relevant old laws.
- 7) Avoid squinting or dangling modifiers
- 8) Use carefully the glue words (and, or)
- 9) Use shorter sentences.
- 10) To clarify, use tabulation
- 11) Draft in the positive not in the negative
- 12) Avoid using the verb "to be" in all its forms
- 13) Avoid legalese
- 14) Locating subordinate and adjectival clauses.
- 15) Avoid incorporation by reference
- 16) Insert internal reference correctly.

II. Drafting within the rules of statutory interpretation

- 1) Principles of statutory interpretation.
- 2) Some legal maxims.

III. Two games for ensuring the adequacy of a bill

- 1) Walking through game
- 2) What-if game

DAY TWO- EXERCISES

- 1) The architecture of a bill
- 2) Writing legislative sentence
- 3) Rules for increasing clarity and accuracy
- 4) Drafting within the rules of statutory interpretation
- 5) Two games for ensuring the adequacy of a bill.